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SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 29 March 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-12169 (E)

The meeting was called to order at 10.15 a.m.

STATEMENT BY THE DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF BELGIUM

1. Mr. MICHEL (Belgium) said that the first year of the new millennium had already been marred by serious and massive violations of human rights. It would be a long time before peace, tolerance and prosperity for all could be established. His Government extended unconditional support to both the Commission on Human Rights and the United Nations High Commissioner for Human Rights, since those institutions guaranteed the universality of the basic human values which the States had proclaimed and wished to see applied and defended. They also provided an indispensable vehicle for dialogue and deserved loyal and unstinting cooperation.

2. Prevention and dissuasion were two important factors in the protection of human rights. His delegation fully supported in that regard the statements made by the High Commissioner for Human Rights. While many preventive mechanisms existed, there had to be both determination and the appropriate means if they were to be appropriately employed.

3. Full respect for others was an essential prerequisite for a harmonious society. Racism and intolerance must therefore be eradicated. Much was expected of the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. His Government would make an expert available to the Office of the High Commissioner (OHCHR) to assist in the preparations for that important event.

4. Respect for fundamental values also required that the death penalty be abolished.

5. The international community had a responsibility to combat impunity: no one who had violated the universal rights protected by legal instruments must be able to count on escaping punishment. Those suspected of crimes against humanity, wherever they were and whatever their rank, could already be relentlessly pursued. He invited all States which had not yet ratified the Statute of the International Criminal Court to do so forthwith. Belgium was in the process of concluding the ratification procedure of the Statute and would, in the near future, deposit the instrument of ratification. He was proud that his country had adopted legislation empowering the courts to try all persons suspected of crimes of genocide, crimes against humanity and war crimes, wherever such crimes had been committed.

6. If full respect was to be shown for others, economic and social exclusion must be fought and protection provided for economic and social rights and the exercise of those rights. In that context, he wished to stress the importance which his Government attached to the eradication of extreme poverty. It would take every care to ensure that economic and social rights occupied the place they deserved in the list of rights to be protected and guaranteed.

7. If human rights were to be promoted and respected, they must be taken fully into account in the policies of all States and all international and regional organizations. Human rights knew no boundaries: they were a shared inheritance, dependent on collective vigilance and sustained self-criticism and offered limitless opportunities for international cooperation and collaboration. The support and control mechanisms formulated by the Commission and the OHCHR technical

assistance programmes provided powerful support for the understanding and respect of human rights. He was pleased to announce that his Government had, in response to the appeal by the High Commissioner, decided to make OHCHR one of the organizations to which it assigned multilateral development aid.

8. In respect of human rights, Europe had nothing to be proud of. His Government was greatly concerned by the allegations of grave violations of international humanitarian law in Chechnya, and hoped that all parties to the conflict would respond to the appeals by the international community. He joined the Ministers for Foreign Affairs of Portugal and Luxembourg in urging the Government of the Russian Federation to give the High Commissioner for Human Rights and the International Committee of the Red Cross (ICRC) free access to that part of its territory.

9. His Government also deplored the continuing ethnic intolerance in south-eastern Europe, which had been encouraged and exploited by certain political leaders. All the Governments in the region must take clear and resolute action against ethnic intolerance. democracy and respect for human rights were quite incompatible with the cult of ethnic purity and contempt for minorities.

10. Racism and intolerance were threatening the stability of the European democracies. There would never be a place in the European Union for those who preached intolerance, racism and exclusion or who made ignorance and incomprehension of others their stock-in-trade. The countries of the Union would continue to monitor closely political parties and movements which promoted racist and xenophobic ideas. The concept of a united Europe was the fruit of bitter experience and represented a determination that the tragedies of its past should never be repeated and that others should be helped to avoid the same tragedies.

11. While the situation in Africa gave much cause for concern, a number of positive steps had been taken, including the Lusaka and Arusha Agreements. His Government supported all initiatives aimed at promoting human rights in the countries of the region and identifying the means which would contribute to that objective. It had, therefore, hosted in 1999 a meeting of special rapporteurs and special envoys to the Great Lakes region. The victims of the Rwandan and all other genocides must not be forgotten. In Kigali in April 2000, accompanied by the Prime Minister and Minister of Defence of Belgium, he would honour the memory of all such victims and that of the Belgian peacekeeping soldiers who had died in Africa. Belgium was continuing peacemaking initiatives with all its regional interlocutors. It had also decided to open its own past to scrutiny by forming a Commission of Inquiry into the circumstances surrounding the death of Patrice Lumumba.

12. Human rights were central to his Government's foreign policy. It was determined to continue the approach adopted since 1980 by the three Benelux countries, and Belgium would thus be a candidate for a seat on the Commission for 2001 to 2003. Belgium's international commitment was merely a prolongation of its determination to make reforms and to correct its democracy where necessary. Such corrections included a review of its legislation against racism and the introduction of comprehensive legislation against all forms of discrimination.

13. In the course of the reforms which it had recently undertaken, Belgium had benefited from dialogue with several of the Commission's special rapporteurs, to whom it was grateful for their interest and advice. To bring itself into line with international human rights structures, Belgium, like other countries, was studying the merits of establishing a national human rights commission.

14. Dialogue and cooperation were essential to the implementation of Belgium's foreign policy, and his delegation was making the maximum possible contribution to the establishment and implementation of ever more effective international legislation. With regard to children in armed conflict, it would have wished to do even more to remove all children from the battlefield. Nevertheless, he hoped that the two draft protocols to the Convention on the Rights of the Child which had recently been approved would be universally ratified.

15. In 1999, homage had been paid to the authors of the Universal Declaration of Human Rights. That homage also constituted a new commitment by every State never to forget the founding principles of that Declaration. Belgium was determined to meet that requirement.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION

16. Mr. ORDZHONIKIDZE (Russian Federation) said that cooperation in the field of human rights must move from double standards and politicization towards dialogue and close relations between countries. Largely owing to the efforts of his delegation, agreement had been reached at the Vienna World Conference on creating the post of High Commissioner for Human Rights. Respect for human rights must be based on respect for the sovereignty of States, which bore the principal responsibility for the implementation of universally recognized human rights principles.

17. That line of thinking was, regrettably, not to everybody's taste. The notion of so-called "humanitarian intervention", which was growing more widespread, was used as a justification of a NATO-centred world order, under which a group of States assumed the right to impose their will, if necessary by force, on the international community and interfere arbitrarily in the internal affairs of other States.

18. The practical effects of such a policy had been demonstrated by the events in Kosovo. The NATO aggression against the Federal Republic of Yugoslavia had not solved a single humanitarian problem in the region. On the contrary, it had led to the destruction of the entire country, numerous casualties and widespread economic and environmental damage. It had also triggered off massive human rights violations, including the ethnic cleansing of Serbs and other non-Albanian inhabitants of Kosovo, killings, and degrading treatment based on ethnicity or religion. It would be unacceptable if, in violation of the territorial integrity of the Federal Republic of Yugoslavia, a criminal and terrorist State were to be created in Kosovo which threatened the stability of all Europe. It had become apparent, moreover, that many of the allegations of so-called "Serb atrocities" that had been used to justify the NATO action had been fabricated, although apologists for the action preferred to ignore the fact.

19. The selective criticism of that same group of States led it to ignore the many manifestations of discrimination, xenophobia and anti-Semitism, ethnic and linguistic intolerance, police brutality and ill-treatment of migrants that occurred in all parts of the world, including Europe. The deteriorating situation in Latvia and Estonia was a case in point: ethnic groups lacking full civic status were faced with a choice between involuntary assimilation and forced eviction. Moreover, anti-Fascists were being persecuted and Nazi ideology was being justified.

20. The establishment of democracy in Russia had become irreversible, as shown by the recent presidential election. Over the past few years, the necessary mechanisms to guarantee human rights and fundamental freedoms had also been created, including a solid legislative base, an independent judiciary, a dynamic civil society and free mass media. Many problems remained, but his country was determined to deal with them. There was therefore no justification for characterizing the situation in the Russian Republic of Chechnya in terms of human rights violations.

21. The truth was that, by the middle of 1999, the actions of the ruling regime in Chechnya had turned the territory into a criminal enclave. All human rights and freedoms had been dismantled. Murder, torture and kidnapping had become routine. Freedom of opinion or expression and political activity had ceased to exist. Almost the entire population was unemployed, pensions were not paid, schools were closed and the health system had broken down. About half a million people, mostly Russians, had been forced to leave the Republic over the past three or four years.

22. Terrorist training camps had been operating, hostage-taking and slavery were rife and criminal activity, such as trafficking in drugs or arms, had been widespread. International terrorists, together with substantial funding from a number of countries, had started appearing in Chechnya, creating a real threat to neighbouring regions of the Russian Federation and to other countries. Clear evidence of that had been provided by the attempt to capture part of Dagestan, the bombs planted in Russian cities, the participation in anti-Government activities in other countries of the Commonwealth of Independent States (CIS) by terrorists trained in Chechnya and the emergence of criminal Chechen associations in many European countries.

23. The international community and human rights organizations had made every effort not to notice what was occurring. Only when foreign citizens, in substantial numbers, started to be killed or taken hostage had voices of protest been raised.

24. No State could tolerate such a threat to its very existence. That was why the decision had been taken to eliminate the stronghold of international terrorism. The main objectives were to preserve Russia's territorial integrity, restore constitutional order and guarantee rights and freedoms. Every possible measure was taken to minimize civilian casualties, even at the risk of prejudicing the security of federal forces. The fight in Chechnya was against not Muslims, as some liked to assert, but criminals. Islam - a religion practised by millions of Russians - had no connection with terrorism.

25. The military phase of the operation was virtually over. Intensive consultations with various sections of Chechen society were taking place. The amnesty for those not guilty of

bloody crimes had been extended to 15 May 2000. Steps were being taken to restore law and order and human rights. A special human rights representative of the President had been appointed, with a staff including three experts from the Council of Europe. The Office of the Procurator-General investigated every case of violation of the law. There could thus be no grounds for doubting the effectiveness of the judicial system. Appeals for an international inquiry were totally unacceptable.

26. Administrative and law-enforcement units were being set up, the judicial system was being restored, pensions and other benefits were being paid for the first time in six years, over 60,000 children had returned to school, hospitals had started to reopen and electricity and gas had been restored. Huge resources had been allocated to restore the economy and conditions for the voluntary return of displaced persons had been created. The process of stabilization would undoubtedly take a long time. There might be fresh instances of provocation or attempts to prevent the return to normal life. The elimination of international terrorism would, however, be carried through to its logical end. There must be no doubt on that score.

27. Many preferred to ignore the facts. It was not only a terrorist war but also a war of information that was being waged against his country. Appeals by some foreign mass media and human rights organizations showed a disconcerting similarity to the propaganda of Chechen terrorists. The consequences of such flirting with criminals could prove damaging to other countries.

28. The Russian Federation had shown unprecedented openness. Many foreign delegations had visited the area. That openness was, however, sometimes construed as weakness. Some had tried to dictate the course of action Russia should adopt, while others even threatened to subject the country to some kind of punishment, through hostile resolutions at the Commission, for example. Russia would not be addressed in such a tone. It was prepared for dialogue, but the dialogue had to be honest and objective. It was open to cooperation, but only with those truly interested in the restoration of human rights and freedoms in the Chechen Republic.

29. The new challenges facing humanity on the brink of the new millennium could be met only by collective efforts. His country was prepared for constructive dialogue at the Millennium Summit. Its initiative on adopting a declaration embodying universally acceptable principles of peace in the twenty-first century was activated by its search for an adequate solution.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2000/7, 10, 26, 28-31, 33-35, 37-43, 45, 101, 113, 115, 116, 119, 121, 127, 129, 130 and 139; E/CN.4/2000/NGO/19, 36, 38, 44, 72-75, 86, 89, 96, 103, 124 and 137; A/54/660, A/54/726-S/2000/59, A/54/727-S/2000/65; S/2000/137)

30. The CHAIRMAN said that, to ensure the orderly conduct of business and avoid situations similar to that which had arisen at the previous meeting, which had had to be adjourned because many participants had either withdrawn from the list of speakers or were not

present and ready to take the floor, the Bureau insisted that delegations inscribing their names on the list of speakers must take the floor when their turn came. Following well-established Commission practice, the non-governmental organizations (NGOs) that had been given the floor at the previous meeting but had been absent would not be allowed to take the floor again under agenda item 9. The Bureau presumed that its rulings would be accepted by the Commission.

31. It was so decided.

32. Mr. HOSSAIN (Special Rapporteur on the situation of human rights in Afghanistan), introducing his third report (E/CN.4/2000/33), said that he strongly endorsed the assessment by the Office of the United Nations Coordinator for Afghanistan that the situation of human rights in Afghanistan was a daunting one. A formidable array of obstacles needed to be overcome before any true progress on human rights was achievable. The central task was to end the war, bring into being a political environment conducive to the achievement of equity, peace and justice, and support the realization of socio-economic conditions essential to a life of dignity and self-worth compatible with basic human rights precepts.

33. The most fundamental denial of human rights which needed to be addressed was that of the right of the people of Afghanistan effectively to participate in the governance of their country through freely chosen representatives. It was critically important to initiate a process of peaceful transition from rule by armed groups to a broad-based Government enjoying the confidence of all segments of the Afghan population, including the several million refugees living abroad.

34. Fighting between the Taliban and the United Front had reached a climax on 28 July 1999, when a Taliban offensive had shattered the hopes for peace raised at the Tashkent meeting of the "Six plus Two" group. It had resulted in massive displacement of the civilian population, in particular women and children, with widespread reports of house and crop burnings, forced deportations, family separations and arbitrary killing.

35. The Human Development Index ranked Afghanistan among the lowest countries in the world, while the Gender Disparity Index ranked it as the very lowest. The formal economy was devastated, as a result of two decades of armed conflict, and Afghanistan had become by far the world's largest producer of opium.

36. The fundamental aim must be to restore Afghanistan to all of its people through reviving and sustaining a peace process of transition to fill the constitutional and political vacuum. The recent Grand Assembly initiative provided a means for active consultations among all Afghan people and the warring groups who might well be persuaded by the United Nations and the "Six plus Two" group to participate. Although the meeting of the two warring groups in Jeddah, Saudi Arabia, in March 2000, held at the initiative of the Organization of the Islamic Conference (OIC), had ended inconclusively, the decision taken there to resume talks shortly should be supported.

37. The time might be ripe for giving the highest priority to making a concerted effort to achieve change in Afghanistan. The circumstances which encouraged that view included changes in the neighbouring countries, the recent discussions among them, the meeting between the Taliban and their neighbours, the release of several hundred opposition prisoners by the

Taliban, and the resolve expressed within the United Nations for positive action. All those circumstances, taken together, presented an opening which should not be missed.

38. Mr. TANDAR (Observer for Afghanistan), said it was regrettable that the Special Rapporteur did not have sufficient resources to spend a longer time in Afghanistan, and to go into some matters in greater depth. Thus, for example, the so-called political prisoners included thousands of civilians whose only crime was belonging to ethnic minorities that the Taliban did not like. A number of people who favoured a political solution to the war had been assassinated, sometimes on Pakistani territory. The practice of religions other than Islam was severely restricted, and those belonging to religious minorities had to carry visible signs indicating their religious affiliation. Afghan women were effectively deprived of the right to exist.

39. With regard to terrorism, the international community was concerned only with the case of Osama bin Laden, but there were with the Taliban several thousand international terrorists who had already committed acts of violence in their countries of origin. Large numbers of foreign fanatics and extremists were being trained as mercenaries in camps located in Taliban-controlled territory and on the Pakistan border. They came from Kashmir, Uzbekistan, Tajikistan, Singkiang and a number of Arab countries. It was regrettable, if quite understandable, that the report did not clearly name the party responsible for the war and for rejecting a political solution.

40. Nevertheless, the report clearly and unambiguously indicated Pakistan's responsibility in the war in Afghanistan and its active engagement on the side of the Taliban. It referred to Urdu-speaking combatants involved in violence against women and ethnic minorities; Urdu was the official language of Pakistan, but was not used in Afghanistan. There were also Pakistani prisoners of war. The number of Pakistani mercenaries far exceeded the number of Afghan Taliban trained in the religious schools in Pakistan and Pakistani interference in Afghan internal affairs had been clearly confirmed in the Secretary-General's latest report to the General Assembly. Afghanistan wanted peace for its people and the free exercise of their right to choose their destiny. It wished to live in peace and cooperation with all its neighbours, on the one condition that they recognized and respected its territorial integrity and independence.

41. Mr. GARRETÓN (Special Rapporteur on the situation in the Democratic Republic of the Congo), introducing his sixth report (E/CN.4/2000/42), said that, in its predecessor, he had described the armed conflict in the Democratic Republic of the Congo as an internal conflict with the participation of foreign forces, but the direct confrontations between the Rwandan and the Ugandan armies on Congolese territory had led him to rethink that description. In his view, the Democratic Republic of the Congo was no longer confronted by a single conflict but by several, some of which had internal dimensions and others an international character.

42. The continued application of the death penalty was one of the gravest violations committed in the territories under government control and, despite the announcement of a moratorium by the Minister of Human Rights, 19 people had been executed since the beginning of the year. On the positive side, however, the Minister of Human Rights had helped to find a solution to the problems of "persons at risk" and had organized a forum on the demobilization of child soldiers. Any dissent or opposition was presented as "attempted genocide": the

Archbishop of Bukavu had not been allowed to return to his diocese because the authorities of the Congolese Rally for Democracy (RCD) had accused him of supporting the civil disobedience movement and inciting ethnic hatred.

43. In the past year, all parties to the conflict had acknowledged that massive violations of human rights had been perpetrated and had demanded investigations. In its resolution 1291 (2000), the Security Council had condemned all the massacres carried out in the Democratic Republic of the Congo and had demanded an international investigation to bring those responsible to justice.

44. None of the provisions contained in the Lusaka Agreements had been respected, and there was a widespread feeling in the country that the international community had done nothing to put an end to the conflict. However, that feeling did not take account of the laudable efforts of the United Nations, the Organization of African Unity (OAU) and certain African countries to end the conflict, and above all it did not identify those who were really responsible, namely the States which had signed the Lusaka Agreements.

45. The appointment of Mr. Kamel Morjane as the Secretary-General's Special Representative in the Democratic Republic of the Congo and the Security Council's authorization to expand the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) were the best evidence that the United Nations respected the Lusaka Agreements. Nevertheless, the fighting and the bellicose statements continued, and the facilitator had still not received permission to visit areas under the control of the RCD and the Movement for the Liberation of the Congo (MLC). The deployment of MONUC was still subject to restrictions of movements imposed by the Kinshasa authorities.

46. In conclusion, he referred to the recommendations in his report. The main one was strict application without delay and by all parties of the Lusaka Agreements and the new timetable. The Government of the Democratic Republic of the Congo should impose an immediate moratorium on capital punishment and sanction the operation of political parties and NGOs. The RCD and its allies should permit exercise of the rights to freedom of expression, opinion and assembly; authorize the return of the Archbishop of Bukavu; give instructions to their troops to spare civilian populations; and avoid taking any initiative or measure which could be perceived as indicating the partition of the country.

47. The security to which the Congolese people and the populations of the Great Lakes region aspired could be viable only if it was placed in a regional context. To that end the international community should impose an embargo on the sale of arms and provide unfailing support for MONUC. The convening of an international peace conference for the Great Lakes region could provide an appropriate forum for genuine discussion between the various Governments of the region with a view to promoting respect for human rights and ending the cycle of impunity which had too long prevailed in that part of the world.

48. Mr. MUKUNDI (Observer for the Democratic Republic of the Congo) said that, for more than 12 months, his Government had been cooperating with the Special Rapporteur despite difficulties arising from the war of aggression being carried out by the Rwandan-Ugandan-Burundi coalition. Indeed, it had renewed its invitation to the

Special Rapporteur to continue his work in the country as from 17 April 2000. His Government was particularly pleased that several institutions of the United Nations system had finally acknowledged the armed aggression against his country by its three neighbours. The presence of uninvited foreign troops more than 1,000 kilometres inside the borders of a sovereign State could only be described as an act of aggression. The RCD, described by some as a rebel movement, had emerged several weeks after the commencement of hostilities, and was merely an instrument for covering up that aggression.

49. In its resolution 1999/56, the Commission had condemned 10 massacres attributed to the Rwandan-Ugandan-Burundi aggressors and one error attributed to government forces. The persons responsible for the latter had been punished following an inquiry, but the massacres had gone unpunished. A number of sources, including the Special Rapporteur, had reported more than 15 other massacres attributed to the aggressors and their Congolese accomplices. Indeed, systematic and well-planned massacres continued to be carried out on a daily basis in the occupied eastern part of the country. His delegation therefore urged the need for an international inquiry.

50. He admitted that human rights violations had occurred in his country, as they had in every other country, but stressed that the war was responsible for such violations. The Democratic Republic of the Congo was a peace-loving country that had given asylum to many refugees from neighbouring countries. Every effort had been made to reach a negotiated solution to the conflict and significant concessions had been made, notably in the Lusaka Agreements.

51. The reason for establishing the military court had been to deal with crimes committed by the military and other specialized State services. The need for such an institution was justified by the war. Nevertheless, his authorities had decided to grant the military court a second degree of jurisdiction so as to ensure that its practices conformed with the country's international commitments and, in particular, with the International Convention on Civil and Political Rights. Furthermore, civilians would no longer be brought before that court.

52. As the Secretary-General of the United Nations had been informed, the decision had been taken at the highest level to move towards the abolition of the death penalty. The process would, however, be a long one and require support from the international community. Of the persons who had been executed, some 80 per cent were military personnel: most civilians on whom the death sentence had been passed had not been executed.

53. It had originally been planned that, after two years, new democratic institutions would be introduced. That schedule had, however, been brutally interrupted by the aggression unleashed upon his country by Rwanda, Uganda and Burundi. His Government's efforts to continue the democratization process had been blocked by the determination of the aggressors to perpetuate their occupation of Congolese territory and pillage its resources. A national debate designed to include all Congolese people had been instituted in order to discuss the draft constitution drawn up by an ad hoc commission.

54. He wished to stress the fact that the efforts being made by his Government to promote and protect human rights were unprecedented, and urged the international community to support them. The armed aggression against his country must be formally condemned and all foreign forces removed from Congolese territory forthwith.

55. Mr. MAVROMMATIS (Special Rapporteur on the situation of human rights in Iraq), said that the lateness of his appointment had prevented him from making a proper assessment of the human rights situation in Iraq and submitting a complete report to the Commission at its current session. His report (E/CN.4/2000/37) was therefore a brief summary of his activities and initial observations. The period from February to October 1999 was covered in the final report of the previous Special Rapporteur (A/54/466).

56. Upon his appointment, he had identified as his priorities the need to become fully informed of activities already carried out in connection with the mandate and study the relevant documentation; to consult the OHCHR officials, the United Nations human rights mechanisms and other United Nations programmes and agencies on matters related to his mandate; to embark upon a dialogue with the Government of Iraq on the question of human rights violations and to become fully acquainted with political, humanitarian and human rights aspects of the situation in that country.

57. Since January 2000, he had been briefed on the political and humanitarian situation in Iraq and had met representatives of international NGOs. He had made a formal request to the Permanent Representative of Iraq to be allowed to visit the country as soon as possible, had met the Permanent Representative of Kuwait and discussed the plight of missing persons and had received numerous communications regarding human rights violations by the Government of Iraq.

58. Security Council resolution 1284 (1999) was intended to ameliorate the humanitarian situation in Iraq. He therefore appealed to all concerned to allow that resolution the opportunity to benefit the people of Iraq. In the performance of his mandate, his major objective would be not only to report on the human rights situation in the country but also to identify ways and means of improving it. He therefore counted on the cooperation of all concerned and, in particular, on the support of OHCHR.

59. He intended to verify the allegations of serious violations of human rights by the Iraqi Government, but the verification process should permit that Government to be consulted and react first of all. It was thus essential that he be allowed to visit the country in the very near future since, in the absence of such a visit, other means of verification would have to be used. He expected a positive reply to his request for a visit and trusted that the Government would extend to him its full cooperation.

60. Mr. HUSSAIN (Iraq) said that he hoped the appointment of the new Special Rapporteur on the situation of human rights in Iraq would prove to be a positive step. The Government of Iraq was prepared to do everything in its power to assist him, and had already arranged meetings for him with the relevant officials. Some aspects of his report (E/CN.4/2000/37) were extremely positive. The human rights situation in the country was adversely affected by the economic sanctions, which had been imposed for more than 10 years, and by the continuing attacks carried

out by United States and United Kingdom forces against Iraqi infrastructure, residential areas and civilian institutions. The Allies' use of depleted uranium was responsible for a massive upsurge in cases of cancer, and a contributing factor to other illnesses and epidemics. He wished Mr. Mavrommatis every success in carrying out his mandate, and looked forward to his visit to Iraq.

61. Ms. KEITA BOCOUM (Special Rapporteur on the situation of human rights in Burundi), introducing her report (E/CN.4/2000/34), drew attention to the summary (pp. 3 and 4). She also highlighted her meetings with several justice officials in Burundi and her meetings with members of the diplomatic corps and others, outlined in paragraphs 7 and 9 of the report. Paragraphs 12 to 15 provided details of her itinerary and the security and political situation obtaining at the time. After noting that the human rights situation had deteriorated significantly in comparison with preceding months (para. 67), she drew attention to her observations and recommendations, which appeared in the summary. The situation gave considerable cause for concern.

62. Since the appearance of her report, certain steps had been taken to improve the human rights situation and the international community had redoubled its efforts to find solutions to the conflict. The latest developments, reflecting the will of the parties to take part in negotiations chaired by former President Mandela, provided a ray of hope. It was to be hoped, therefore, that the publicly expressed good intentions would be translated into action.

63. Mr. MENDONCA E MOURA (Portugal), speaking on behalf of the European Union and the associated countries of Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that respect for human rights and fundamental freedoms, were major goals for the European Union, as were development, the consolidation of democracy, and the rule of law. In cooperation with its partners, the Union sought to promote the worth and dignity of the human being through dialogue on human rights issues, cooperation agreements, funding mechanisms and assistance programmes. The Union did not shy away from speaking out against human rights abuses and voicing its concern. It would be pursuing initiatives in respect of the situations in the Democratic Republic of the Congo, Sudan, the Islamic Republic of Iran, Iraq and Myanmar, and would also be seeking support for initiatives on Colombia and East Timor.

64. The situation of human rights in a number of countries and regions were of concern to the Union. A lasting solution to the conflict in Chechnya required dialogue between all the parties. The situation was of deep concern, especially with respect to the plight of innocent civilians. The Union once again called upon the Russian Federation to establish a complete cease-fire and to investigate allegations of human rights violations and breaches of international humanitarian law.

65. Full integration of the Federal Republic of Yugoslavia into the international community would depend on democratic change in the country and its compliance with its international obligations, notably in the field of human rights. Lack of progress in that regard was a matter of deep concern.

66. The Union continued to attach the highest importance to the implementation of Security Council resolution 1244 on Kosovo and wished to reiterate its full support for the International Security Force in Kosovo (KFOR) and the United Nations Interim Administration in Kosovo (UNMIK). All acts of ethnic violence must be ended, refugees and displaced persons must return home safely, everybody must have security and freedom of movement regardless of ethnic origin, and the perpetrators of atrocities must be brought to justice.

67. Despite positive steps towards implementation of the Peace Agreement in Bosnia and Herzegovina, there was still a lack of progress in many areas vital to the protection of human rights and fundamental freedoms. Reform of the police and judicial system must be pursued with a view to the full establishment of the rule of law and an end to discriminatory economic and social practices.

68. In Croatia, it was to be hoped that recent developments would help further promote democracy and the rule of law. The ongoing revision of discriminatory laws was welcome, as was the extradition of Mladen Naletilic, which reflected the willingness of the new Government to cooperate with the International Criminal Tribunal for the Former Yugoslavia (ICTY).

69. Although the abolition of the death penalty in Turkmenistan was welcome, the overall human rights situation in that country was still deteriorating, with harassment of political opponents, political arrest and ill-treatment of political prisoners. The increasing repression of small religious groups was also a matter of grave concern.

70. The Union urged the Government of Uzbekistan to respect freedom of opinion, expression, information, assembly and association. The human rights of persons belonging to religious minorities must be actively protected. "Concentration camps" in the steppes of Karakalpakhia must immediately be closed.

71. In the Kyrgyz Republic, the Government had prevented most of the opposition from taking part in the recent parliamentary elections, thus creating a setback for democracy. It was essential that the presidential elections in December should take place in a climate of freedom and fairness.

72. In Belarus, civil and political rights continued to be denied, with reports of arbitrary arrests and detentions, ill-treatment and disappearances, and restrictions on freedom of expression, association and peaceful assembly. Deficiencies in the legal and judicial systems must also be addressed, especially government interference in judicial proceedings, prolonged pre-trial detention and poor prison conditions.

73. The launch of talks in December 1999 aimed at an overdue, comprehensive, just and lasting solution to the Cyprus problem was most welcome and the Union strongly supported the Secretary-General's efforts to bring the process to a successful conclusion. The recent positive developments in Turkey were also welcome, as was its Government's intention to pursue reforms with particular reference to human rights. The Union welcomed the Government's stated intention to ratify the International Covenants on Human Rights.

74. In Syria, further progress was needed to achieve compliance with international human rights norms. The Union particularly deplored the denial of freedom of expression, assembly and association and the restrictions to freedom of movement. It also condemned the repression of human rights activists and the discrimination against the Kurdish minority, particularly stateless Syrian-born Kurds.

75. The Union remained deeply concerned about the situation in Afghanistan, particularly the grave violations of the human rights of women and girls and all forms of discrimination against them, in all areas of Afghanistan, particularly those under Taliban control. The situation in Saudi Arabia was also of deep concern and its Government must improve the de jure and de facto status of women in view of serious violations of their human rights. Saudi Arabia should also ratify the International Covenants on Human Rights. The dialogue with the Special Rapporteur on the independence of judges and lawyers was most welcome, especially in view of the importance of encouraging Saudi Arabia to cooperate with international human rights mechanisms.

76. Despite positive steps taken by the Government of India, the situation in Jammu and Kashmir continued to be far from normal and had been exacerbated by terrorism and armed infiltration across the Line of Control. Pakistan should act to prevent such infiltration while India should take appropriate steps to halt human rights violations.

77. The Union was concerned about religious intolerance in the subcontinent as a whole, including cases of murder and assault, and destruction of places of worship. In that context, the renewed commitment by the Government of India to protecting the rights of religious minorities was most welcome. Pakistan, for its part, should protect the rights of religious minorities and abolish the death penalty for blasphemy. It should also implement its stated commitment to democracy, the rule of law and respect for human rights. The lack of independence of the judiciary was also a matter of serious concern.

78. In Sri Lanka, all parties should work towards a negotiated and just settlement to the continuing armed conflict. Despite some positive developments in the human rights field, cases of arbitrary detention, disappearance, torture and extrajudicial killing still occurred. The Government must investigate such abuses thoroughly and bring those responsible to justice.

79. The Union was following the situation in China with great attention and was deeply concerned that - despite steps towards improving the legal system and social and economic rights - little progress had been achieved on the ground, particularly with regard to civil and political rights. The Union firmly condemned the continuing restrictions upon fundamental freedoms, including freedom of thought, expression, religion, assembly and association. It was particularly concerned at the harsh sentences imposed on political dissidents and the alarming human rights situation in Tibet and Xinjiang and was dismayed at the severe sentences passed upon members of the Falun Gong movement.

80. A full assessment of the situation in the Democratic People's Republic of Korea was severely hampered by the lack of transparency and openness. However, reports indicated that

widespread human rights violations were occurring. The Union condemned the denial of human rights and fundamental freedoms and was particularly concerned about the situation of political prisoners, the absence of the rule of law and the grave humanitarian situation in general.

81. The Union acknowledged the commitment shown by the Government of Indonesia to bringing violators of human rights and international humanitarian law in East Timor to justice, possibly through the establishment of a special human rights court. The United Nations should ascertain what assistance was needed for the establishment of a legal process meeting international standards of justice and fairness. Accountability and the redress of victims were crucial to reconciliation and the building of democratic institutions and would improve prospects for friendly and peaceful relations between Indonesia and East Timor.

82. In Malaysia, restrictions on human rights and fundamental freedoms were also of concern. The Malaysian Government should abide by the advisory opinion of the International Court of Justice on the immunity of the Special Rapporteur on the independence of judges and lawyers.

83. In Cambodia, despite evidence of political will to build a society based on respect for human rights, areas of special concern persisted, such as impunity and the weakness of the rule of law. It was essential that the Khmers Rouges be tried by an independent tribunal meeting international standards.

84. In Laos, despite the willingness of the Government to promote certain economic, social and cultural rights, authoritarian rule remained a major obstacle to the realization of human rights in general.

85. The Union appreciated the regional dimension of human rights in the Great Lakes region. It was concerned about the continued human rights violations in Rwanda. Some progress had been made, namely in improving criminal procedures and allowing widows to inherit legally. Renewed cooperation between the Government and the Criminal Tribunal for Rwanda was to be welcomed. It was to be hoped that the implementation of a system of traditional participatory justice would facilitate a solution to the persistent problem of detention without trial.

86. In Burundi, despite some progress, serious human rights abuses persisted. The Union called upon the Government to ensure full protection to returnees and to support their reintegration. It also strongly condemned the renewed outbreak of indiscriminate violence in Burundi and the attacks on humanitarian relief personnel. The Government of Burundi should speed up its investigations into human rights violations, especially those involving the security forces.

87. The status of human rights in Uganda also gave cause for concern. Despite some progress, serious violations of human rights persisted. The Union particularly condemned the recruitment and use of child soldiers by rebel armies in that country.

88. With regard to the Democratic Republic of the Congo, the recent ceasefire agreement was to be welcomed, as were the cessation of fighting and the amnesty and reintegration decisions taken by the Government. The Union remained greatly preoccupied, however, by reports of human rights violations against the civilian population. All such abuses must be investigated and the perpetrators brought to justice.

89. In Algeria, signs of Government cooperation with the international partners were welcome. Reports of disappearances, torture, arbitrary detention and extrajudicial executions had decreased, but the Union remained concerned. While it condemned terrorist violence, it emphasized that terrorism could be combated only in the context of full respect for international human rights standards and the rule of law. Consequently, the Government should also investigate cases of serious human rights violations allegedly perpetrated by the security forces.

90. The situation in Chad remained of concern, particularly with regard to extrajudicial killings, arbitrary arrests and detention, and prison conditions.

91. In Côte d'Ivoire, the situation continued to present inadequacies in a number of areas, notably with respect to summary and extra-judicial executions, arbitrary detention and prison conditions.

92. The political developments in Nigeria and the overall improvement in the human rights situation there were welcome. The Union encouraged the Government to promote human rights still further, particularly those of ethnic minorities in the Delta area. It also wished to stress its firm support for freedom of religion and its opposition to the application of degrading and cruel penalties.

93. The Union had repeatedly condemned violations of human rights in the context of the conflict between Eritrea and Ethiopia, including violations against other nationalities living in the area, and against persons belonging to minorities. Deportations and other violations of human rights and humanitarian principles undermined the quest for peace and reconciliation between the two countries.

94. It was a matter of concern that a single-party regime had been reintroduced in Equatorial Guinea, following parliamentary elections which had, moreover, been marred by irregularities. Allegations of torture, poor prison conditions and arbitrary detention continued. The Union called upon the Government of Equatorial Guinea to give its full support to the Commission's Special Representative.

95. The Union welcomed the signing of the peace agreement between the Government of Sierra Leone and the Revolutionary United Front (RUF). The accountability of individual perpetrators of grave human rights violations was important to ensure a fair and equitable justice system and, ultimately, to achieve reconciliation and stability in the country.

96. The continuing human rights violations associated with the ongoing conflict in Somalia were still of concern. The violations of the human rights of women and girls - including the practice of female genital mutilation - were of deep concern.

97. In Angola, the resumption of the war - for which the National Union for the Total Independence of Angola (UNITA) bore the primary responsibility - had led to serious human rights abuses and breaches of international humanitarian law.

98. The Union deplored the systematic denial of civil and political rights and fundamental freedoms in Cuba and called upon the Government to take vigorous steps to guarantee freedom of expression, opinion, association and assembly and to accede to the International Covenants on Human Rights. It noted with interest steps taken to guarantee a degree of freedom of religion in the country, but was concerned at the continued existence of the death penalty.

99. With regard to Haiti, the Union hoped that the parliamentary elections would lead to a return to normal political life and the rule of law. Of concern, however, was the persistence of an environment of political tension and violence. The Union welcomed the steps taken to reform the judiciary, but condemned the persisting practice of popular justice, the intimidation of human rights defenders and human rights abuses by the security forces.

100. The Union continued to urge all countries to impose a moratorium on the death penalty and remained concerned about the trend towards its further use in the Caribbean. It was deeply regrettable that certain Caribbean countries had withdrawn as States party to the Optional Protocol to the International Covenant on Civil and Political Rights and had reacceded with a reservation on article 1.

101. The Union encouraged the new Government of Guatemala to take all appropriate steps to implement the peace accords, with a view to fostering reconciliation in Guatemalan society. However, major military, judicial and other reforms were needed to improve the situation of human rights and to tackle the problem of impunity for violations. It was encouraging that the new Government had expressed strong interest in bringing to justice those responsible for the murder of Bishop Gerardi.

102. The Union noted with satisfaction the continued progress towards democratization in Mexico, as well as the Government's commitment to human rights, including measures to improve the situation. The country's readiness to receive a United Nations observation mission during the forthcoming elections was also welcome. Of deep concern, however, were the persisting corruption and impunity within the administration and judiciary, as well as extrajudicial executions, forced disappearances, the abduction of political opponents - particularly in conflict areas - and the harassment of human rights workers. The human rights of indigenous people must be fully respected.

103. The Union continued to be disturbed by the decline of the rule of law and democratic institutions in Peru, including deterioration in the electoral process. It also deplored the country's withdrawal from the jurisdiction of the Inter-American Court of Human Rights.

104. The Union was not moved by confrontational approaches towards any of the countries it had cited. Its purpose was to offer sincere cooperation to help reduce tensions and promote dialogue between all those involved. A more stable world could be achieved only if all persons were irrevocably freed from all types of violence and harassment.

105. Mr. AMAT FORES (Cuba) said that the Commission had to choose between cooperation and confrontation. Regrettably, some Powers used the Commission as an instrument to dominate poorer countries and tried to manipulate international human rights cooperation to legitimize their political hegemony. They sought to impose a democratic model which they fraudulently claimed to be universal, although it had not proved to be a panacea for the countries of the North themselves, where consumption was unsustainable, corruption and double standards reigned, political systems were in crisis, parties served their own interests and most electors did not vote, because they did not believe in the possibility of change.

106. The repeated claims of human rights violations in Cuba constituted a classic case of double standards. All members of the Commission knew that it was an exercise in manipulation by the United States of America, a mere calumny. Although the Czech Republic and Poland had submitted the draft resolution, it was well known who was behind it, namely, the same United States that had been responsible for successive military occupations of Cuba, the existence of the criminal Batista dictatorship and four decades of economic warfare. Various social organizations in Cuba had submitted claims to national courts against the Government of the United States for its responsibility in causing the deaths of 3,478 Cubans and the permanent disablement of 2,099, as a result of its aggression against Cuba.

107. The United States was a country where racism and inequality were rife, where there were more young blacks in prison than at the university, where racism was institutionalized in the application of justice and political activity, and where the indigenous peoples had been subjected to ethnic cleansing and restricted to so-called "reservations".

108. It was the country with the biggest and most repressive prison system, where one in six of those executed was innocent, where the death penalty was applied to minors and mental defectives, where cases of police brutality multiplied by the day, where the sadistic humiliation of prisoners was increasing, where prisoners awaited sentence for many years and where political prisoners suffered long sentences, were maltreated and were denied medical attention. Violence in society there was such that young people murdered their teachers and fellow pupils. The number of homeless people was ever increasing and over 40 million people - half of them children - had no medical insurance. Domestic violence was on the increase and more children killed themselves there than anywhere else in the developed world.

109. The blockade imposed by the United States on Cuba was the most serious violation of the Cuban people's human rights. The economic losses caused by the blockade exceeded

US$ 64 billion and its heavy impact on the life of Cuban citizens clearly showed its genocidal nature. Cuba lived in a state of undeclared war and the so-called dissidents, who claimed to act as a legitimate opposition, were nothing more than a fifth column, intent on annexation, instructed and funded by the United States.

110. His country was proud of its democracy, which had assured all Cubans direct participation in decision-making. It was proud of periodically electing a Government by electoral methods alien to the struggle for power between parties with scandals in their backgrounds and mafia links. The Cuban revolution was incompatible with the so-called values of Western democracy.

111. Cuba was indeed different and had the right to be so. It had no wish to return to its previous state of society. It attached enormous importance to international cooperation in human rights matters and hoped that dialogue would prevail. If confrontation continued, his delegation was prepared to respond even more effectively.

112. Ms. KUNADI (India) said that selection of the right approach in dealing with the item under discussion was crucial to the Commission's credibility and effectiveness. Selectivity resulting from politicization, as well as tension generated by condemnation, resulted only in acrimony and confrontation. Not only should approaches be tailored to specific situations, but "spotlighting" should be balanced with dialogue, persuasion, introspection and technical cooperation.

113. The annual ritual of "handing out report cards" and pretending to sit in judgement over others was not helpful. More sustainable results might be achieved by encouraging self-criticism and inducing positive change through technical cooperation and national capacity-building to safeguard democracy and the rule of law. Marginalizing or ignoring certain States would merely pave the way to international anarchy.

114. The complexity, vastness and diversity of India posed gigantic challenges, but independent India provided an example of democratic organization of an intensely pluralistic society. Federal and secular polity had evolved to accommodate diversity, and democratic national institutions were continually being strengthened. Not only could India boast an independent judiciary, but civil society had grown steadily, independent media had been consolidated and national human rights mechanisms had been established. Her Government accorded particular emphasis to good governance, decentralization and the empowerment of women.

115. No country could claim to have solved all its problems in the human rights field. In India, there had been instances where economic and social grievances had manifested themselves in violent forms, in some cases instigated and supported from abroad. Her Government's approach was to address the underlying causes and to search for political solutions through democratic institutions.

116. It was necessary to be vigilant to elements which threatened democracy. To that end, the Commission should pay particular attention to military dictatorships, the export of terror, the mistaking of authoritarianism for efficiency, distortions of religious values and the camouflaging

of wars against other States as liberation movements. Such phenomena only undermined the peaceful enjoyment of human rights by all. For its part, her own delegation was willing to engage constructively with other delegations for the promotion and protection of the human rights its country honoured, upheld and cherished.

117. The grave violations of human rights in Afghanistan threatened the stability of the entire region. As the report of the Special Rapporteur revealed, the people of Afghanistan continued to be virtual hostages in their own land, where externally supported armed forces sought to rule without the participation or consent of the people. The gross violations of the rights of women and girls were representative of the Dark Age into which the Taliban were determined to plunge its people. The Commission should pay particular attention to the involvement of non-Afghans in such violations and devise effective steps to counter the forces responsible for the current plight of the Afghan people.

The meeting rose at 1.00 p.m.